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DATE: January 4, 2005

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TO: Commissioner for Patents

FROM: Eric Cernyar, Reg. No. 45,919

RE: 09/545,336 – RESPONSE TO OFFICE ACTION

FAX #: 703-872-9306

No of pages (including this cover sheet): 11

Re: Applicant: David M. Tumey
Serial No.: 09/545,336
Filed: 4/7/2000
Examiner: Jingee Wu
Art Unit: 2623
Title: Facial Image Verification Utilizing Smart-Card
With Integrated Video Camera
Our File No.: 062916.004

Enclosed please find:

1. Transmittal Form w/ Certificate of Transmission;
2. Response to October 4, 2004, Office Action.

Respectfully submitted,
/s/ Eric Cernyar, Reg. No. 45,919

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
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**TRANSMITTAL
FORM**

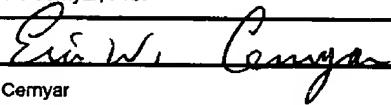
(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/545,338
	Filing Date	4/7/2000
	First Named Inventor	David M. Tumey
	Art Unit	2623
	Examiner Name	Jingee Wu
Total Number of Pages In This Submission	Attorney Docket Number	062916.004

ENCLOSURES (Check all that apply)

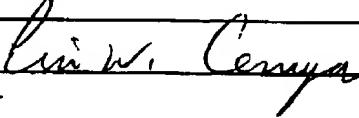
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
	<input type="checkbox"/> Terminal Disclaimer	
	<input type="checkbox"/> Request for Refund	
	<input type="checkbox"/> CD, Number of CD(s) _____	
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Remarks		
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application		
<input type="checkbox"/> <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Eric W. Cernyar, P.C.		
Signature			
Printed name	Eric Cernyar		
Date	Jan. 4, 2005	Reg. No.	45,919

CERTIFICATE OF TRANSMISSION/MAILING

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Signature			
Typed or printed name	Eric W. Cernyar	Date	Jan. 4, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Appl. No. : 09/545,336 Confirmation No.: 9586
Applicants : David M. Tumey, Tianning Xu, Craig M. Arndt
Filed : 04/07/2000
Title : Facial Image Verification Utilizing Smart-Card With Integrated
Video Camera
TC/A.U. : 2623
Examiner : Ryan Hesseltine
Docket No. : 062916.004

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RESPONSE TO NOVEMBER 4, 2004, OFFICE ACTION

Sir:

Please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims, which begin on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.